CSC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No.
v.	**COMPLAINT FOR VIOLATION OF:**
Eduardo RAMOS-Gonzales,	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	'08 MJ 0636

The undersigned complainant, being duly sworn, states:

On or about **March 1, 2008** within the Southern District of California, defendant, **Eduardo RAMOS-Gonzales,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **3rd** DAY OF **March 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Eduardo RAMOS-Gonzales

PROBABLE CAUSE STATEMENT

On March 1, 2008, Border Patrol Agents J. Nesbit and S. Carlson were assigned to line watch duties in the Imperial Beach area of operations. At approximately 5:00 p.m., the National Guard, who was operating an infrared scope at the Imperial Beach Border Patrol Station informed Agents Nesbit and Carlson, via agency radio that she had observed approximately fifteen subjects running north from the United States/Mexico Border towards an area commonly referred to as "The Horse Trail." This area is approximately five miles west of the San Ysidro, California, Port of Entry, and is approximately one half mile north of the United States/Mexico International Fence.

As Agents Nesbit and Carlson responded to the area, and observed a large group of individuals running. Agent Nesbit observed two individuals in the front of the group, making hand jesters to others in the group. Agent Nesbit drove past the main group in an attempt to interview the two subjects in the front. As Agent Nesbit approached the two subjects, they ran into the surf line in an attempt to evade Agent Nesbit. Agent Nesbit ran into the surf line after the subjects in an attempt to detain them. The two subjects continued running north in the water disobeying Agent Nesbit commands to stop. After a brief chase, the two subjects stopped without further incident. Agent Nesbit identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection. Both subjects, including one later identified as the defendant **Eduardo RAMOS-Gonzales** freely admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 5:15 p.m., the defendant and the other individual were arrested.

Agent Carlson then approached the rest of the group of individuals. As Agent Carlson approached approximately nine individuals, they entered the water and ran south back into Mexico. Agent Carlson was able to detain only four individuals. At this time, Agent Carlson identified himself as a U.S. Border Patrol Agent and performed an immigration inspection. All four individuals stated they were citizens and nationals of Mexico illegally present in the United States. The four individuals were subsequently arrested. The defendant and the rest of the subjects were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 30, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.